IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3432 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

G A MANSURI - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

==========

Appearance :

UNSERVED-EXPIRED (N) for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1 - 2.

==========

CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 06/02/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article-226 of the Constitution of India praying for quashing and setting aside the

impugned seniority list dated 8.6.1988. The petitioner has also prayed for direction to the respondents to give the petitioner appropriate seniority in the cadre of Dy.Mamlatdar on the basis that the petitioner has passed the requisite examination within the specified chances and the specified period. The petitioner has also prayed for stay against the respondents restraining them from operating the impugned seniority list dated 8.6.1988.

2. Notice was issued by this Court on 6.7.1988. The petition was thereafter adjourned to 22.7.1988 and from 5.8.1988 to 22.8.1988. However, there is no endorsement with regard to issuance of rule on the order sheet. The petition was originally filed on behalf of the petitioner by the learned advocate who was later on elevated to the Bench of this Court. Thereafter fresh notice was issue to the

petitioner on 13.5.1995. On 4.6.1996, however, the bailiff has made the remarks that the petitioner expired since long and his family members have vacated the quarter. It, therefore, appears that the petitioner has expired in or around 1996. More than 10 years have passed and yet no one has moved any application for bringing the legal heirs or representatives on record of this petition. The petition therefore stands abetted.

3. The petition is, therefore, dismissed as having been abetted. Notice and/or rule is discharged without any order as to costs. Office is directed to place copy of this order in Special Civil Application No.3671 of 1988.

(K. A. PUJ, J.)

kks